

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SECOND AMENDMENT FOUNDATION,  
*et al.*,

*Plaintiffs,*

v.

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS, AND EXPLOSIVES, *et al.*,

*Defendants.*

No. 3:21-cv-0116-B

**OPPOSITION TO PUTATIVE INTERVENOR'S MOTION FOR EXPEDITED  
BRIEFING SCHEDULE**

On June 6, 2023, the National Rifle Association of America ("NRA") filed a motion to intervene and for a preliminary injunction. ECF No. 69. Two days later, on June 8, the NRA moved for an expedited briefing schedule, asking that the Defendants' response to the motion to intervene be due on June 15, 2023, and NRA's reply would be due June 19, 2023. ECF No. 73.

While the NRA states that an "expedited briefing schedule does not prejudice any party," *id.* at 2, Defendants would be clearly prejudiced since under Local Rule 7.1(e) Defendants would ordinarily have 21 days, or until June 27, to file their response. Under the NRA's schedule, Defendants would have just over a week to respond to a combined motion to intervene and a motion for a preliminary injunction, seeking relief for "many" of the NRA's claimed "over four million members." *Id.* at 3. Defendants intend to argue that the NRA should not be permitted to intervene in this matter, and that they have not demonstrated an independent entitlement to a preliminary injunction of the Final Rule at issue. Defendants should be provided a reasonable opportunity to make these arguments

in response to the NRA's combined motion, in accordance with Local Rules, such that Defendants' response should remain due by June 27.

The NRA's claimed need for expedition, due to the purported "threat" of "enforcement of the Final Rule," is entirely of their own making. The Final Rule was published in the Federal Register on January 31, and the rule explained that owners of firearms with stabilizing braces had a full four months (120 days), until May 31, to come into compliance. *See Factoring Criteria for Firearms With Attached "Stabilizing Braces,"* 88 Fed. Reg. 6,478, 6,570 (Jan. 31, 2023). The NRA was plainly aware of the Final Rule from the time of its publication. In fact, on February 9, 2023 the NRA announced on its website that it "backed" and "supported" a lawsuit challenging the Final Rule, which was filed in the District of North Dakota, but to which the NRA is not a party. NRA-ILA, *NRA Challenges ATF Brace Rule*, <https://www.nraila.org/articles/20230209/nra-challenges-atf-brace-rule> (that challenge remains pending). Yet the NRA declined to initiate any legal action on its own behalf until the entire four-month compliance period elapsed, and until multiple courts, including this one, ruled on the respective motions for a preliminary injunction as to the Final Rule. Defendants should not be penalized with an abbreviated briefing schedule due to the NRA's voluntary, months-long delay. The NRA's motion to expedite the briefing schedule should be denied.

Dated: June 8, 2023

Respectfully submitted,

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/s/ Michael Drezner  
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**CERTIFICATE OF SERVICE**

On June 8, 2023, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Michael Drezner  
MICHAEL DREZNER  
Trial Attorney  
U.S. Department of Justice